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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,198	11/26/2003	Thomas L. Deitrich	9314-53	6742

7590 08/30/2005

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EXAMINER

GARY, ERIKA A

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/722,198

Applicant(s)

DEITRICH, THOMAS L.

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/21/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 14, 15, 23, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Silverman, US Patent Number 6,363,248 (hereinafter Silverman).

Regarding claims 1, 14, and 29, Silverman discloses a method (network and computer program product) of routing incoming communications to a wireless terminal, the method comprising: associating a wireless terminal identifier and an alternate routing identifier with a wireless terminal; determining whether an alternate routing rule has been satisfied; routing an incoming communication, which is directed to the wireless terminal identifier, based on the wireless terminal identifier when the alternate routing rule has not been satisfied or based on the alternate routing identifier when the alternate routing rule has been satisfied [col. 1: line 53 – col. 2: line 25; col. 2: line 58 – col. 3: line 6].

Regarding claims 2 and 15, Silverman discloses determining whether an alternate routing rule has been satisfied comprises determining the availability on a

network of the wireless terminal that is associated with the wireless terminal identifier [col. 4: lines 1-9].

Regarding claim 23, Silverman discloses sequentially determining the availability of communication devices associated with the plurality of alternate routing identifiers when the alternate routing rule has been satisfied, and routing the incoming communication based on the determination of the availability of the communication devices [col. 6: lines 29-65].

3. Claims 1, 4-6, 8-12, 14, 17-19, 21, 22, 25, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Pelaez et al., US Patent Application Publication Number 2005/0096029 (hereinafter Pelaez).

Regarding claims 1, 14, and 29, Pelaez discloses a method (network and computer program product) of routing incoming communications to a wireless terminal, the method comprising: associating a wireless terminal identifier and an alternate routing identifier with a wireless terminal; determining whether an alternate routing rule has been satisfied; routing an incoming communication, which is directed to the wireless terminal identifier, based on the wireless terminal identifier when the alternate routing rule has not been satisfied or based on the alternate routing identifier when the alternate routing rule has been satisfied [paragraphs 0005, 0006].

Regarding claims 4 and 17, Pelaez discloses determining whether an alternate routing rule has been satisfied comprises determining whether the wireless terminal that

is associated with the wireless terminal identifier is a predefined type of wireless terminal [paragraphs 0063, 0069].

Regarding claims 5 and 18, Pelaez discloses determining whether a predefined service is available for the wireless terminal that is associated with the wireless terminal identifier [paragraphs 0063, 0069].

Regarding claims 6 and 19, Pelaez discloses determining whether an alternate routing rule has been satisfied comprises determining whether the incoming communication is a predefined type of communication [paragraphs 0063, 0069].

Regarding claims 8 and 21, Pelaez discloses determining whether an alternate routing rule has been satisfied is based on whether a predefined routing identifier has been received from a user [paragraph 0063].

Regarding claims 9 and 22, Pelaez discloses defining the alternate routing identifier at the wireless terminal; and communicating the alternate routing identifier from the wireless terminal to a wireless network [paragraph 0063].

Regarding claim 10, Pelaez discloses communicating the alternate routing identifier from the wireless terminal to the wireless network comprises communicating the alternate routing identifier as a data message from the wireless terminal to the wireless network [paragraph 0063].

Regarding claim 11, Pelaez discloses defining at the wireless terminal an alternate phone number to which a call to the wireless terminal is to be redirected; communicating the phone number as the alternate routing identifier from the wireless

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terminal to a wireless network; and associating the alternate phone number with the wireless terminal identifier at the wireless network [paragraphs 0063, 0069].

Regarding claim 12, Pelaez discloses determining whether an alternate routing rule has been satisfied comprises determining that the incoming communication comprises a data message; and routing an incoming communication comprises routing the data message based on at least one of an internet address that is associated with the alternate routing identifier, a telephone number for a mobile terminal that is associated with the alternate routing identifier, and a telephone number for a pager that is associated with the alternate routing identifier [paragraphs 0063-0069].

Regarding claim 25, Pelaez discloses associating a wireless terminal identifier with an alternative data routing identifier and an alternative voice routing identifier; and the routing the incoming communication based on the data routing identifier when the incoming communication comprises a data message, and routing the incoming communication based on the voice routing identifier when the incoming communication comprises a voice call [paragraphs 0063-0067].

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7, 13, 16, 20, 24, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelaez.

Regarding claims 3 and 16, the Examiner takes Official Notice that it is well known in the art to determine whether a threshold amount of memory is available in a device for determining whether to route a communication to the device. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Pelaez to include this feature to ensure that the communication can be received.

Regarding claims 7 and 20, it is well known in the art to route a communication to a particular number or device based on the time or day. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Pelaez to include this feature to ensure that the communication is sent to the proper device based on the user's schedule.

Regarding claims 13 and 26, Pelaez teaches routing audible signals based on an alternate routing identifier [paragraphs 0063-0069]. Further, the Examiner takes Official Notice that it is well known in the art to convert text messages to audible signals. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Pelaez to include this feature to ensure that the communication can be received.

Regarding claim 24, the Examiner takes Official Notice that it is well known in the art to simultaneously route an incoming communication to a plurality of alternate routing identifiers. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Pelaez to include this feature to ensure that the communication is received promptly.

Regarding claims 27 and 28, Pelaez teaches routing text or data messages based on an alternate routing identifier when the wireless terminal is not available [paragraphs 0063-0069]. Further, the Examiner takes Official Notice that it is well known in the art to convert an incoming voice call to a text or data message. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Pelaez to include this feature to ensure that the communication can be received.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Benco et al., US Patent Application Publication Number 2005/0032509, disclose a method for selective mid-call call forwarding from a mobile station.

Joong et al., US Patent Number 6,134,433, disclose a system and method of forwarding data calls in a radio telecommunications network.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
August 24, 2005

  
**ERIKA A. GARY**  
**PRIMARY EXAMINER**